

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2024-03**

AN ORDINANCE OF THE CITY COMMISSION AMENDING SECTION 1-104 “JURISDICTION AND APPLICABILITY”; SECTION 8-109 “MOVING OF EXISTING IMPROVEMENTS”; SECTION 8-106 “CERTIFICATES OF APPROPRIATENESS”; SECTION 14-209.4; SECTION 14-215.3 “NOTICE AND HEARING PROCEDURES”; SECTION 15-102 “NOTICE” OF THE CITY’S ZONING CODE IN ORDER TO PROVIDE A DEFINITION OF PUBLICATION AND REMOVE THE REQUIREMENT FOR NEWSPAPER PUBLICATION, PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND AN EFFECTIVE DATE.

**WHEREAS**, in 2022 the State Legislature adopted HB 7049- Legal Notices, amending the legal notice requirements in Chapter 50, Florida Statutes; and

**WHEREAS** beginning January 1, 2023 Cities are now permitted to publish all required legal notices and advertisements on a publicly accessible website as specified in Florida Statute 50.0311 ; and

**WHEREAS**, the City has traditionally advertised and published required notices in newspapers of general circulation however, there have been recent cost increases and fewer options available for publication in newspapers; and

**WHEREAS**, as the number of newspaper subscribers continues to shrink and the City turns to more responsive and lower cost online notices, including e-news, social media, and the City’s revised website, the City wishes to take advantage of the option to publish legal notices on a publicly accessible website and amend the Zoning Code accordingly, and

**WHEREAS**, Miami-Dade County will establish a County-wide website for legal notices, as required in Florida Statutes, and the City will be able to utilize that website for legal notices; and

**WHEREAS**, the City will proceed to publish annual notices in a newspaper of general circulation pointing residents to the City’s online notices as required in Florida Statutes; and

**WHEREAS**, the City estimates that the move to online notifications will result in over fifty percent savings in annual publication costs; and

**WHEREAS**, in conjunction with this move to online legal advertising the City will conduct an education campaign so that City residents and interested parties are aware of the shift to online publication; and

**WHEREAS**, during the adoption on first reading of this Ordinance the City Commission determined that this item need not go to the City Planning and Zoning Board prior to second reading;

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:**

**SECTION 1.** That the foregoing “**WHEREAS**” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof

**SECTION 2.** That the City of Coral Gables Zoning Code be amended as indicated in the attached Exhibit A<sup>1</sup>:

**SECTION 3.** All Ordinances or parts of Ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 4.** If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

**SECTION 5.** It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of the City of Coral Gables Zoning Code and that the sections of this “Ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

**SECTION 6.** If the City of Coral Gables Zoning Code Table of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

**SECTION 7.** This Ordinance shall become effective upon its passage and adoption herein.

**PASSED AND ADOPTED THIS NINTH DAY OF JANUARY, A.D., 2024.**

(Moved: Fernandez / Seconded: Anderson)

(Yeas: Castro, Fernandez, Menendez, Anderson, Lago)

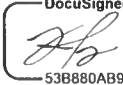
(Unanimous: 5-0 Vote)

(Agenda Item: E-3)

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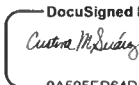
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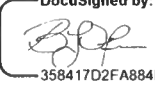
VINCE LAGO  
MAYOR

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

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CRISTINA M. SUÁREZ  
CITY ATTORNEY

ATTEST:

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BILLY Y. URQUIA  
CITY CLERK



## EXHIBIT A

### **Section 1-104. Jurisdiction and applicability.**

These regulations shall govern the development and use of land, buildings and structures within the corporate limits of the City.

No building, structure, water or land shall be used or occupied, and no building, structure or land shall be developed unless in conformity with all of the provisions of the zoning district in which it is located, all other applicable regulations and all development approvals.

Notwithstanding any other provision of this code to the contrary, the City of Coral Gables shall not be bound by the procedures or provisions contained in the zoning code in the construction, modification, or operation any city facility listed below, and the provisions of this subsection shall control.

City facilities enumerated. The City Commission may establish or modify by resolution any of the following city facilities operated by or on behalf of the City of Coral Gables, where the City Commission may direct without regard to the zoning or use classification of any particular site or location: public parks, playgrounds and buildings, and structures supplementary and incidental to such uses; fire stations; police stations; public water and sewer treatment and distribution facilities; public libraries; public buildings and centers; public auditoriums, arenas, museums, art galleries and convention halls solid-waste collection and disposal facilities; public maintenance and equipment yards; public bus stations and other governmental facility uses as determined by the City Commission.

Notice and public hearing required. The City Commission may only authorize the construction, modification or operation of the City facilities enumerated in paragraph 1 above by resolution following public hearing.

Notice of the above public hearing shall be published ~~in newspaper of general circulation published in the City of Coral Gables or in Miami Dade County, Florida~~ at least ten (10) days prior to the date of the public hearing before the City Commission, which publication shall include the time and place of the hearing before the City Commission.

A courtesy notice containing general information as to the date, time and place of the hearing, the property location and the general nature of the application may be mailed to property owners of record within a radius of 1000 feet of the property described in the application or a greater distance as the Development Review Official may prescribe, provided, however, the failure to mail or receive such courtesy notice shall not affect any action taken hereunder.

To provide additional notice to the public, the property shall be posted by a sign or signs indicating the action desired and the time and place of the public hearing. Failure to post such property shall not affect any action taken hereunder.

At the public hearing, the City Commission shall consider, among other factors, the type of function involved, the public need therefor, the existing land use pattern in the area, alternative locations for the facility and the nature of the impact of the facility on the surrounding property.

After considering these factors, the City Commission shall take such action as is necessary to provide for and protect the public health, safety and welfare of the citizens and residents of the City of Coral Gables.

**Administrative Approval of Non-Substantial Change.** For governmental facilities plans approved in accordance with this section, the Development Review Official is hereby authorized to approve changes that the Development Review Official determines to be non-substantial, as demonstrated by the following factors:

Development density and intensity have not materially changed;

Design has not materially changed, provided that:

Relocation of roadways, including ingress and egress, is determined not to create traffic obstructions and is approved by the Public Works Department;

Relocation, reconfiguration, or reduction of the parking area and its spaces does not impact adjoining properties, and the Development Review Official determines that sufficient spaces for the use are retained;

Modification of building setbacks from perimeter property lines does not negatively impact adjoining properties, or the modification is mitigated to minimize the impact;

Reconfiguration of the landscaped open space does not diminish any previously approved buffering or separation from surrounding properties;

Modification to walls or fences does not diminish previously approved buffering or separation from surrounding properties;

Conversion of a use, facility, or element to another use, facility, or element remains within the scope of the previously approved plan;

Addition of uses, facilities, or elements not shown in the previously approved plans either: do not increase lot coverage, or decrease required open space, by greater than 10 percent;

Relocation or modification of signage remains consistent with the intent of the approved plan in size, height

### **Section 8-109. Moving of existing improvements.**

The moving of significant improvements from their original location shall be discouraged; however, the Historic Preservation Board may grant a Special Certificate of Appropriateness if it finds that no reasonable alternative is available for preserving the improvement on its original site and that the proposed relocation site is compatible with the historic and architectural integrity of the improvement.

**Section 8-106. Certificates of Appropriateness.**

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A public notice of a request for a Special Certificate of Appropriateness shall be published one (1) time ~~in a newspaper of general circulation published in the City of Coral Gables, or in Miami Dade County, Florida,~~ at least ten (10) days prior to the date of such hearing. All such notices published ~~in a newspaper~~ shall state in substance the request and shall give the date, time, and place of the public hearing. All properties being considered by the Historic Preservation Board for a request for a Special Certificate of Appropriateness shall be posted at least ten (10) days in advance of the public hearing. Such posting shall consist of a sign, the face surface of which shall be not be larger than forty (40) square inches and shall contain the following language:

Notice of Public Hearing

By [insert name of decision making body]

Phone [insert phone }

[insert email address]

Hearing date [insert date]

Application or hearing number [insert number]

The posting of the property shall comply with Article 15 of these regulations.

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**Section 14-209.4. City Commission zoning in progress resolution review and decision.**

The City Commission shall review the Zoning in Progress Resolution at the next available regularly scheduled meeting following the submittal of the Zoning in Progress request.

The City Commission shall make preliminary findings and accordingly approve or deny the proposed Zoning in Progress Resolution.

Should the City Commission determine that a moratorium pending the preparation of a detailed and comprehensive analysis of the area in question is reasonably necessary or desirable, it shall:

Approve the Zoning in Progress Resolution; and

Order a fixed time, not to exceed ninety (90) days, within which City staff shall report to the Planning and Zoning Board and the City Commission with its report, a proposed ordinance amending these regulations, and recommendations relating to a potential moratorium.

The Zoning in Progress Resolution shall be for a period not to exceed the first regularly scheduled City Commission meeting after one hundred twenty (120) days, unless an extension not exceeding forty (40) days is ordered pursuant to section F below.

The City Commission on its own motion or otherwise may extend any Zoning in Progress Resolution for a longer period of time if reasonably necessary and the public interest requires.

Should City staff be unable to report back to the City Commission within the time prescribed by its order, upon timely request by City staff and after public hearing on the need, the City Commission may extend the time limitation one (1) time for a period not to exceed forty (40) days.

Upon adoption of the Zoning in Progress Resolution, the City Clerk shall publish the adopted resolution ~~in a newspaper of general circulation published in the City of Coral Gables, or in Miami Dade County, Florida,~~ within ten (10) days following the date of adoption.

### **Section 14-215.3. Notice and hearing procedures.**

The City shall publish ~~in a newspaper of general circulation in the City~~ and shall display on the City's public notice bulletin board and on its website a Notice of a Request for City Commission Review of Government Settlement, and shall maintain copies of the Request available for review in the Development Services Department and the City Clerk's Office. The notice shall advise the public that the City is evaluating whether the specific zoning or land use approvals being sought as part of the proposed Government Settlement comply with applicable provisions of the Zoning Code. The notice shall include a summary of the zoning or land use approvals being sought, how to view a copy of the request, how comments on the request can be presented to the City in writing or in person, and the date, location and time that a public hearing will be held on the request before the City Commission. A notification containing this information shall also be mailed by the City Clerk at least ten (10) days prior to the public hearing to the property owners of record, as well as property owners within a radius of one thousand (1,000) feet of the property described in the request, if the request is site-specific.

Development Review Officer report and recommendation. The report and recommendation of the Development Review Officer shall be submitted to the City Manager based upon the requirements of this Article, shall be limited to the proposed zoning and land use approvals, shall be advisory in nature, and shall not be binding in the approval proceedings. The form of the



recommendation and the time for receipt of the recommendation shall be as established by the City Manager

City Attorney Recommendation. After receipt and consideration of the Development Review Officer recommendation, the City Attorney, in consultation with the City Manager, shall submit a recommendation to the City Commission with regard to approval of the Government Settlement. The City Attorney's recommendations with regard to the proposed land use and zoning approvals in the proposed Government Settlement shall be based upon the requirements of this Article.

**Section 15-102. Notice.**

In every case where a public hearing is required pursuant to the provisions of these regulations and other applicable Florida Statute requirements, the City shall provide a Notice of Public Hearing in the manner set out in this section and as summarized in the following table:

Types of Public Notices 1, 2, 4, 5

Timing of Notice Before...

Type of Application	Type of Notice	Board Public Hearing (if required)	First Commission Public Hearing (if required)	Second Commission Public Hearing (if required)
<i>Abandonment and Vacations</i> <sup>3</sup>	Publication	10 days		10 days
	Posting	10 days		
	Mail	13 days	13 days	
<i>Annexation</i>	Publication	10 days		10 days
	Mail	13 days		
<i>Appeals</i>	Publication	10 days		10 days
	Posting	10 days		
	Mail	13 days	13 days	
<i>Board of Architects</i>	Posting	5 days		

Type of Application	Type of Notice	Board Public Hearing (if required)	First Commission Public Hearing (if required)	Second Commission Public Hearing (if required)
<i>Comprehensive Plan Amendments</i>				
Small Scale Map Amendments	Publication	10 days		10 days
	Posting	10 days		
	Mail	13 days	13 days	
Compliance Agreement with the State	Publication	10 days	10 days	10 days
Comprehensive Plan Map, other than Small Scale	Publication	10 days	7 days	5 days
Comprehensive Plan Text Amendments, affecting specific properties	Mail	13 days	13 days	
<i>Conditional Use</i>				
	Publication	10 days		10 days
	Posting	10 days		
	Mail	13 days	13 days	
<i>Coral Gables Mediterranean Architectural Design Special Location Site Plan Review</i>				
	Publication	10 days		10 days
	Posting	10 days		
	Mail	13 days	13 days	
<i>Development Agreement</i>				
General	Publication	7 days	7 days	7 days
	Posting	10 days		
Affected Property Owners	Mail	13 days		13 days
<i>Historic Preservation: Designations and Certificate of Appropriateness</i>				
Designation of Landmark or District	Publication	10 days		
	Posting	10 days		
	Mail	13 days		
Certificate of Appropriateness (Special)	Publication	10 days		

Type of Application	Type of Notice	Board Public Hearing (if required)	First Commission Public Hearing (if required)	Second Commission Public Hearing (if required)
	Posting	10 days		
Certificate of Appropriateness (Special) with Variance	Publication	10 days		
	Posting	10 days		
	Mail	13 days		
Historical Significance Determination Letter	Online			
<i>Moratorium and Zoning in Progress</i>				
Moratorium	Publication	10 days	7 days	5 days
	Mail	13 days	13 days	
Zoning in Progress	Publication	10 days	7 days	5 days
<i>Planned Area Development Designation</i>	Publication	10 days		10 days
	Posting	10 days		
	Mail	13 days	13 days	
<i>Separation/Establishment of a Building Site</i>				
Administrative Building Site Determination	Post DRO determination			
Conditional Use	Publication	10 days		10 days
	Posting	10 days		
	Mail	13 days	13 days	
<i>Site Plan (MXD, PAD, other)</i>	Publication	10 days		10 days
	Posting	10 days		
	Mail	13 days	13 days	

Type of Application	Type of Notice	Board Public Hearing (if required)	First Commission Public Hearing (if required)	Second Commission Public Hearing (if required)
<i>Subdivision Review for a Tentative Plat and Variances</i>	Publication	10 days		
	Posting	10 days		
	Mail	13 days		
<i>Subdivision Review for a Final Plat and Variances (Resolution)</i>	Publication		10 days	
	Mail		13 days	
<i>Transfer of Development Rights</i>				
Sending Site Plan Application	Publication	10 days		
	Posting	10 days		
	Mail	13 days		
Receiving Site Plan Application	Publication	10 days		10 days
	Posting	10 days		
	Mail	13 days	13 days	
<i>University Campus District Modification to the Adopted Campus Master Plan</i>	Publication	10 days		10 days
	Posting	10 days		
	Mail	13 days	13 days	
Variances	Publication	10 days		
	Posting	10 days		
	Mail	13 days		
Zoning Code Text Amendment	Publication	10 days		10 days
(if affecting a limited number of property owners within an area)	Mail	13 days		13 days
Zoning Code Text Amendment (Use Changes) - Amendment to text that changes	Publication	10 days	7 days	5 days

Type of Application	Type of Notice	Board Public Hearing (if required)	First Commission Public Hearing (if required)	Second Commission Public Hearing (if required)
actual list of permitted, conditional, or prohibited uses within a zoning category				
<i>Zoning District Map Amendment</i>				
Initiated by other than the City	Publication	10 days		10 days
	Posting	10 days		
	Mail	13 days	13 days	
	Publication	10 days		10 days
	Posting	10 days		
	Mail	13 days	13 days	
> 10 contiguous acres; City initiated	Publication	10 days	7 days	5 days
	Mail	13 days	13 days	

Applications which are not listed do not have public hearing notice requirements.

2 The City may announce time and dates of future proceedings in notices or at noticed meetings.

3 See City Code for additional advertising requirements per the City Code proceedings.

4 Where the table differs from the substantive provisions within the zoning code the substantive provisions shall prevail.

5 All mailed notice in this table include an additional 3 days to allow for mailing, only 10 days are required if notice is hand delivered.

Publication. The requirements for public notice provided by publication shall be as follows:

Notice shall be published ~~at least one (1) time in a newspaper of general circulation published in the City of Coral Gables, Florida or in Miami-Dade County, Florida,~~ at least ten (10) days prior to the date of final required public hearing, except as provided herein. “Publication” or “publish” means to publish a legal notice in accordance with Florida Statutes, Chapter 50. Publication may be achieved by one of the following: publication in a newspaper , on a publicly accessible website as detailed in Chapter 50, Florida Statutes, or in any other manner so authorized by Florida Statutes, Miami-Dade County, or any other relevant authority.

The notice shall state the date, time, and place of the meeting; the title or titles of the proposed ordinances or a description of the substance of the matter being considered; and the place within the City where the proposed ordinances or other materials may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the matter.

A copy of the notice shall be available for public inspection at the City Hall during the regular business hours.

Comprehensive Plan, Zoning Code text amendments and Zoning District map amendments >10 acres. Notice for ordinances that change the actual list of permitted, conditional, or prohibited uses within a zoning category/use district, or ordinances initiated by the City that change the actual zoning map designation of a parcel or parcels of land involving ten (10) contiguous acres or more, shall be published at least ten (10) days prior to the Planning and Zoning Board public hearing, again at least seven (7) days prior to the first City Commission public hearing and again at least five (5) days prior to the second City Commission adoption hearing. Public notice shall be provided as described in the following subsections.

~~The required advertisements shall be no less than two (2) columns wide by (10) ten inches long in a standard size or tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than eighteen (18) point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be placed in a newspaper of general paid circulation in the municipality, not one of limited subject matter, pursuant to Chapter 50 of the Florida Statutes. Whenever possible, the advertisement shall appear in a newspaper that is published at least five (5) days a week unless the only newspaper in the City is published less than five (5) days a week.~~

The advertisement shall be in substantially the following form:

“Notice of (insert type of) Change

The City of Coral Gables proposes to adopt the following ordinance: (title of ordinance)....

A public hearing on the ordinance will be held ... (date and time)... at ... (meeting place)...”

Except for amendments which change the actual list of permitted, conditional, or prohibited uses within a zoning category, the advertisement shall also contain a geographic location map which clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the general area.

In lieu of publishing the advertisement set out in this section, the City may mail a notice to each person owning real property within the area covered by the ordinance. Such notice shall clearly explain the proposed ordinance and shall notify the persons of the time, place, and location of any public hearing on the proposed ordinance.

Zoning District map amendment. Ordinances initiated by any person other than the City that change the actual zoning map designation of a parcel of land or parcels of land shall be read by title, in full, at two (2) separate City Commission hearings, and shall be published at least ten (10) days before the Planning and Zoning Board public hearing, and again at least ten (10) days before the City Commission adoption hearing.

Comprehensive Plan small-scale map amendments. Notice of small scale development amendments to the Comprehensive Plan, initiated by other than the City, shall be published at least ten (10) days before the Planning and Zoning Board public hearing, and again at least five (5) days before the City Commission adoption hearing.

Comprehensive Plan text and map amendments, other than small-scale. All Comprehensive Plan amendments, other than small-scale amendments, shall be published at least ten (10) days before the Planning and Zoning Board public hearing, and again at least seven (7) days before the first City Commission public hearing, and again at least five (5) days before the City Commission adoption hearing.

Development agreements. Notice of a proposed Development Agreement shall be published at least seven (7) days prior to each public hearing.

Failure to provide advertised notice as set forth in the foregoing notice requirements shall not affect any action or proceedings taken under this section, unless such notice is required by Florida Statutes.

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(Moved: Fernandez / Seconded: Anderson)

(Yeas: Castro, Fernandez, Menendez, Anderson, Lago)

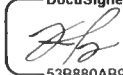
(Unanimous: 5-0 Vote)

(Agenda Item: E-3)

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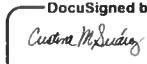
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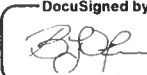
VINCE LAGO  
MAYOR

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

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CRISTINA M. SUÁREZ  
CITY ATTORNEY

ATTEST:

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BILLY Y. URQUIA  
CITY CLERK

